UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,924	11/09/2001	Glenn Christopher Arnold	13187/4	1796

7590   07/26/2006

KATTEN MUCHIN ZAVIS
Attention: Patent Administrator
Suite 1600
525 West Monroe Street
Chicago, IL 60661-3693

EXAMINER
YIMAM, HARUN M

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 June 2006*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

DETAILED ACTION

Response to Arguments

1.   Applicants' arguments with respect to claims 1 – 15 have been considered but are moot in view of the new ground(s) of rejection.

2.   In response to applicants' argument (page 10, 1st paragraph) that Berberet does not disclose or suggest a system which allows a viewer to select pixel objects and link the selected pixel objects to alternate resource platforms, applicants should note that Berberet discloses a system which allows a viewer to select pixel objects (particular video frames or parts of a video programs—paragraph 0087, lines 1-10) and link said pixel objects selected by said user to alternate resource platforms (paragraph 0087, lines 1-10).

3.   In response to applicants' argument (page 10, 2nd paragraph) that Gerba does not disclose or suggest a system for enabling an end user to select pixel objects and one or more frames of video content wherein the pixel objects are linked to alternate resource platforms, applicants should note that Berberet teaches that particular limitation and Gerba was simply brought in to teach a timing device (6, 14 Fig. 1) for

providing timing signals to the server (12 Fig. 1), the timing signal being synchronized to

a real time broadcast of the video content, wherein the timing signals are time stamps

(column 4 lines 56-64, sequential code column 5 lines 5-15 and column 6 lines 62-65).

4.   In response to applicants' argument (page 10, 3rd paragraph – page 11, 1st

paragraph) that Gupta does not allow the user of the multi-media video player to select

pixel objects within frames of the video content which are linked to alternate resource

platforms, applicants should note that Berberet teaches that particular limitation and

Gupta was simply brought in to teach a real time interaction system wherein the viewer

frame interaction application (100 Fig. 4) is configured to support a drop down menu for

selecting time intervals (paragraph 71).

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 3, 6, 9-12, 14 and 15 are rejected under 35 U.S.C. 102(e) as being

anticipated by Berberet (US2003/0226150A1).

        Considering claim 1, Berberet discloses a real time interactive video system

comprising:

        a server (see 2.3 in Figs. 2 and 2a) for storing a sequence of frames of video

content (by implementing the Store Video function 2.3.1.3 of Fig. 2a—paragraphs 85,

130 and 131);

        a viewer interaction platform (1.3 in Fig. 2 and paragraph 0130) configured to

display said sequence of frames of video content (paragraph 0087 and 0133) and

enable a user to select at least one pixel object (a particular video frame or parts of a

video programs—paragraph 0087, lines 1-10) in one or more frames of said sequence

of frames within an input device (Remote control 2.7 in figure 2, paragraph 0121, lines

1-6 and paragraph 0128, lines 5-19) and link said pixel objects selected by said user to

alternate resource platforms (paragraph 0087, lines 1-10).

        As for claim 3, Berberet discloses the real time interaction system as recited in

claim 1, wherein the video frames are stored sequentially in a video buffer (2.2, 2.2.1

Fig. 2a and paragraph 0131 lines 7-18).

        With regards to claim 6, Berberet discloses that the video content does not

include imbedded tags. Nowhere within Berberet's patent disclosure does he disclose

video content that includes embedded tags therefore, Berberet's patent does not

include imbedded tags (paragraphs 86, 104, 106, 110, 117, 119, and 127 which are all

paragraphs where embedded tags would be mentioned if they were applicable) for

relating to pixel objects in said frames of video content.

Regarding claim 9, Berberet discloses the real time interaction system as recited

in claim 1, wherein the viewer interaction platform (1.3 Fig. 2) includes a local storage

device (2.9 Fig. 2) for storing user selected video frames (paragraph 128).

Dealing with claim 10, Berberet discloses the real time interaction system as

recited in claim 1, wherein the viewer interaction platform (1.3 Fig. 2) includes viewer

frame interaction application (2.6, 2.8 Fig. 2) that is configured to support playback of

the video frames (paragraph 123 and 127).

As for claim 11, Berberet discloses the real time interaction system as recited in

claim 10, wherein the viewer frame interaction application (1.3 Fig. 2) is configured to

support one or more local frame advance navigational buttons (Local VCR, paragraph

128 lines 8-12, a VCR inherently supports frame advance navigational buttons).

Dealing with claim 12, Berberet discloses the real time interaction system as

recited in claim 1, wherein the frame interaction application (1.3 Fig. 2) is configured to

support a frame advance dialog box which allows unselected frames on the server (2.2

Fig. 2) to be called on a time interval basis (the video buffer allows the user to perform

the same functions as if they were using a VCR which shows how this invention is

configured to support a frame advance dialog box stated above, paragraph 86).

Considering claim 14, Berberet discloses the real time interaction system as

recited in claim 10, wherein the viewer interaction application (1.3 Fig. 2) is configured

to support one or more server frame advance navigational buttons for viewing

unselected frames in the server (paragraph 123, paragraph 125 lines 1-7, and [Remote

Control] table 1 page 13).

With respect to claim 15, Berberet discloses the real time interaction system as

recited in claim 1, wherein the viewer interaction application supports a graphical user

interface (paragraph 123 lines 7-11).

Claim Rejections – 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Berberet in view of Gerba (5,931,908).

        Considering claim 2, Berberet fails to specifically teach a timing device for

providing timing signals to the sever, the timing signals being synchronized to a real

time broadcast of the video content, wherein the timing signals are time stamps.

        In an analogous art, Gerba discloses a timing device (6, 14 Fig. 1) for providing

timing signals to the server (12 Fig. 1), the timing signal being synchronized to a real

time broadcast of the video content, wherein the timing signals are time stamps (column

4 lines 56-64, sequential code column 5 lines 5-15 and column 6 lines 62-65).

        It would have been obvious to one of ordinary skill in the art to modify Berberet's

system to include the timing signals which are time code numbers, as taught by Gerba,

for the advantage of providing a way for the video buffer to keep track of a users current

position in a program when the user desires to stop the program and come back at a

later time and resume the program from their last position with in the program.

        As for claim 4, Berberet and Gerba disclose a real time interaction system

wherein the timing signals are time code numbers (see claim 2).

Dealing with claim 5, Berberet and Gerba disclose a real time interaction system wherein the video frames are stored by time code number (see claim 2).

Regarding claim 7, Berberet fails to specifically teach the real time interaction system further including a system for reading linked video files which link predetermined pixel objects in the video frames with predetermined data objects.

In an analogous art, Gerba discloses a real time interaction system further including a system for reading linked video files (34 Fig. 2) which link predetermined pixel objects in the video frames with predetermined data objects (column 5 lines 16-45).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include a system for reading linked video files which link predetermined pixel objects in the video frames with predetermined data objects, as taught by Gerba, for the advantage of linking pixel objects on the display to data corresponding to the additional information about the object including purchasing information.

Considering claim 8, Berberet fails to specifically teach the real time interaction system wherein said linked video files are exported to the viewer interaction platform.

In an analogous art, Gerba discloses a real time interaction system wherein said

linked video files (actionable events) are exported to the viewer interaction platform (34

Fig. 2 and column 5 lines 15-20).

It would have been obvious to one of ordinary skill in the art to modify Berberet's

system to include linked video files that are exported to the viewer interaction platform,

as taught by Gerba, for the benefit of allowing the user to view and interact with the

linked video files.

9.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berberet

in view of Gupta (US2005/0086703A1).

As for claim 13, Berberet fails to specifically teach the real time interaction

system wherein the viewer frame interaction application is configured to support a drop

down menu for selecting time intervals.

In an analogous art, Gupta discloses a real time interaction system wherein the

viewer frame interaction application (100 Fig. 4) is configured to support a drop down

menu for selecting time intervals (paragraph 71).

It would have been obvious to one of ordinary skill in the art to modify Berberet's

system to include the viewer frame interaction application configured to support a drop

down menu for selecting time intervals, as taught by Gupta, for the advantage of

allowing users to search through program content by using the on screen display with

would reduce the complexity of the hand held remote control.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
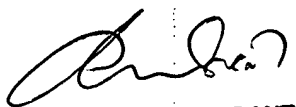
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600